IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION
Dated: Nainital: the 5th day of December 2005
Bail Application No. 927 **of 2005**
Order on the bail application of accused

CRIMINAL SIDE

Rajeneesh S/o Jasbir Singh
R/o Village Akodha Kalan
P.S. Laksar
District Haridwar …Applicant

Versus

State of Uttaranchal ..Opposite Party

Arising out of Case Crime No. 268 of 2004
Under Sections 498-A, 302 I.P.C. &
¾ Dowry Prohibition Act
District Haridwar

By the court

Hon'ble B.C.Kandpal, J.

The applicant has applied for bail in Case Crime No. 268 of 2004, under Sections 498-A, 302 I.P.C. & ¾ Dowry Prohibition Act, P.S. Laksar, District Haridwar.

Heard Sri S.P.S. Panwar learned senior advocate assisted by Sri H.C. Pathak, learned counsel for the applicant, learned A.G.A. and perused the record.

Learned A.G.A. has filed the counter affidavit in this case and has annexed the copy of the statement of Sompal – brother of the deceased. After going through the entire statement of the so-called witness – Sompal, I could not lay my hand on any evidence, which may connect the applicant with the commission of crime of murder.

It is true, that the death of Sunita had taken place in the house of the applicant but since the matter pertains to Section 302 I.P.C. therefore, unless the prosecution suggest any plausible evidence connecting the applicant with the actual commission of crime, the conviction cannot be warranted.

Without entering into the merit of the case, I do not find any plausible evidence as yet, which may connect the applicant with the commission of crime.

Let the applicant Rajenesh be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of Magistrate concerned.

(B.C. Kandpal, J.)

05.12.2005
ASWAL